

C 11

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0159 - 2807 Del Curto Road

P.C DATE: 4/27/10
5/25/10

ADDRESS: 2807 Del Curto Road

OWNER/APPLICANT: Ace Bartlett and Polly Family Living Trust (Tim Bartlett)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: SF-3 **TO:** SF-6

AREA: 2.787 acres (121,096 sq. ft.)

SUMMARY STAFF RECOMMENDATION: Staff recommends SF-6-CO (Townhouse and Condominium – Conditional Overlay). A conditional overlay is recommended for this property to limit the allowable development density to 6 units per acre, or a maximum of 16 units. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION: 5/26/10 – The Planning Commission recommended SF-6-CO with the conditional overlay limiting the property to SF-3 site development standards (5-2; Chimenti, Tovo – nay).

DEPARTMENT COMMENTS:

The property is a 2.78 acre tract currently developed with a single family house. The applicant seeks to rezone the property in order to develop a condominium regime. The applicant has requested a density of 8 units per acre to accommodate 22 units. Staff recommends limiting the density to match that of the property to the immediate South, which was limited to 6 units/acre by a 2007 zoning case (C14-2007-0233).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single Family
<i>North</i>	SF-3	Duplex
<i>South</i>	SF-5-CO	Condominium
<i>East</i>	SF-3	Single Family
<i>West</i>	SF-3/SF-6-CO	Single Family/Undeveloped/Mixed Use

NEIGHBORHOOD PLAN: South Lamar Combined Neighborhood Plan

TIA: Waived

WATERSHED: West Bouldin Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

South Lamar Neighborhood Association
South Central Coalition
Austin Neighborhoods Council

SCHOOLS:

Zilker Elementary School
O'Henry Middle School
Austin High School

CASE HISTORIES

NUMBER	REQUEST	YEAR
N/A		

RELATED CASES

NUMBER	REQUEST	YEAR
C14-2007-0233	SF-3 to SF-5-CO	2007
C14-2007-0083	SF-3 to SF-6-CO	2007

BASIS FOR RECOMMENDATION

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

The recommended zoning is consistent with adjacent properties and densities to the South and East of the tract.

2. *Zoning changes should promote a balance of intensities and densities.*

The recommended zoning will promote a transition between adjacent and nearby zoning districts, land uses, and development intensities from high-density commercial on the core transit corridor to single family zoning towards the interior of the neighborhood.

EXISTING CONDITIONS**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is a flood plain within the project area.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

If the landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation:

Additional right-of-way may be required at the time of subdivision and/or site plan.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Del Curto Rd	50'	20'	Collector	Yes	No	No

Site Plan:

The site is subject to compatibility standards. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

Any new development is subject to Subchapter E. Design Standards and Mixed Use, Sec. 2.5 Exterior Lighting. Additional comments will be made when the site plan is submitted.

CITY COUNCIL DATE: May 27, 2010 (postponed by staff)
June 10, 2010 (postponed by staff)
June 24, 2010

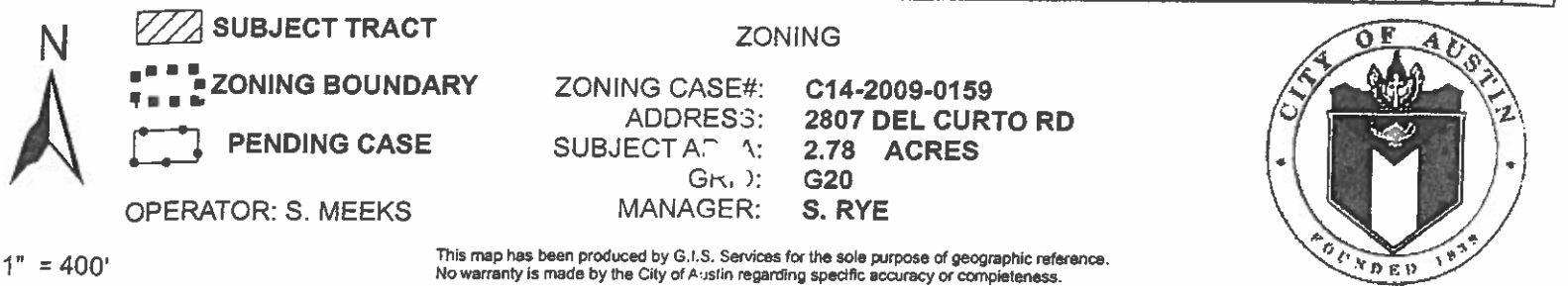
ACTION:

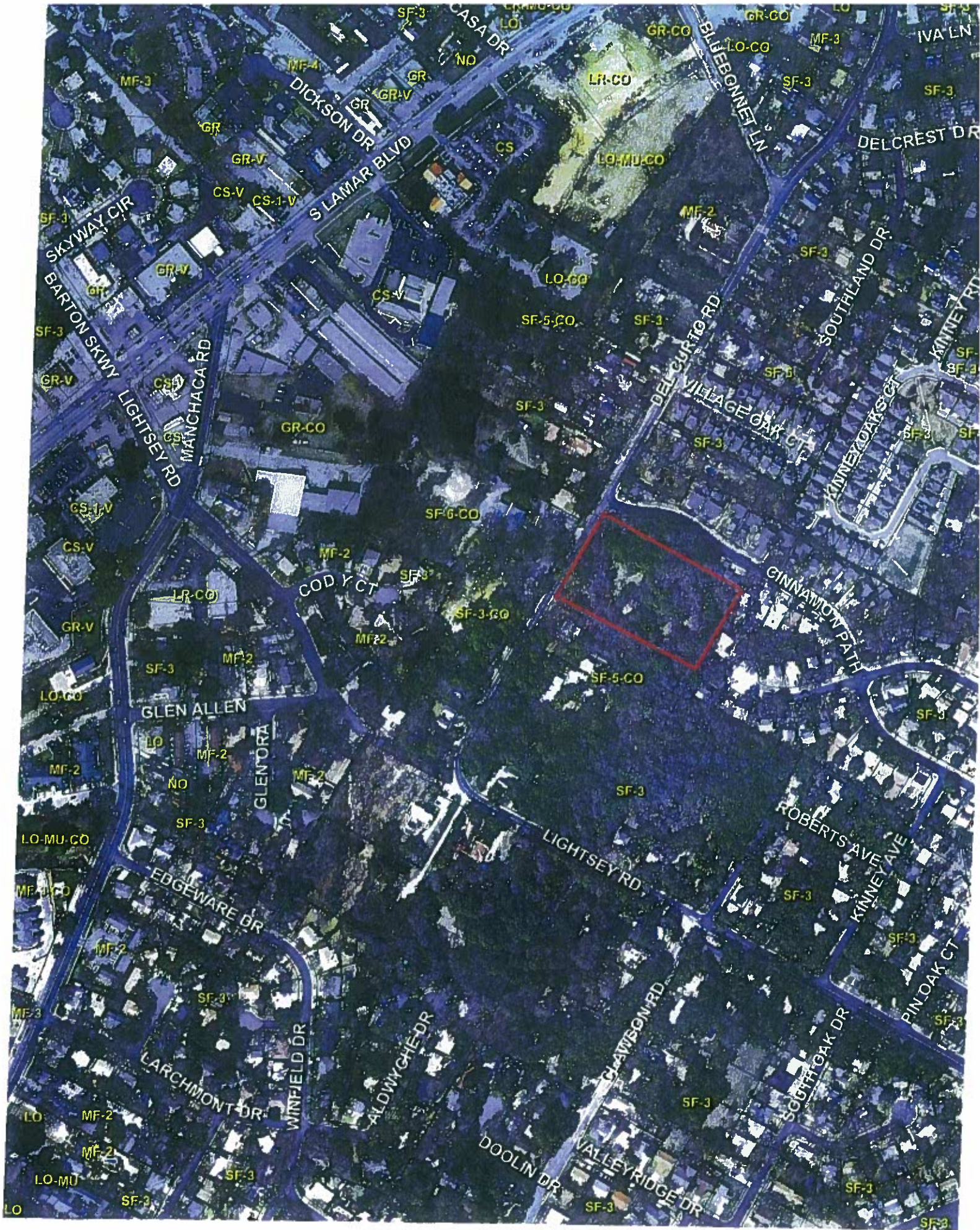
ORDINANCE READINGS: 1st 2nd 3rd

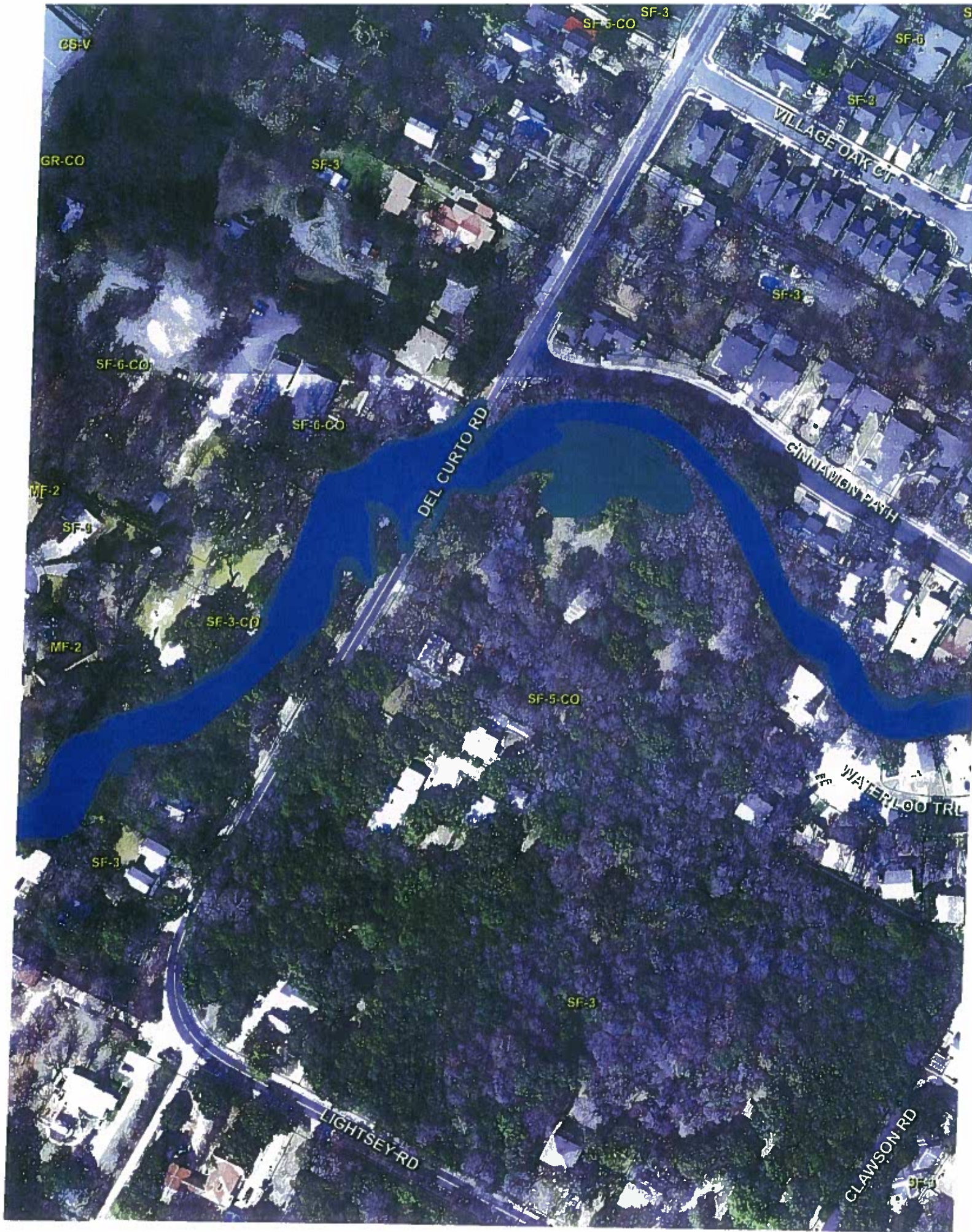
ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us







GS-V

SF-5-CO

SF-3

SF-6

SF-3

SF-3

SF-3

GR-CO

SF-6-CO

SF-6-CO

DEL CURTO RD

VILLAGE OAK CT

CINNAMON PATH

MF-2

SF-6

SF-3-CO

MF-2

SF-5-CO

WATERLOO TR

SF-3

SF-3

LIGHTSEY RD

CLAWSON RD

 You forwarded this message on 6/7/2010 8:12 AM.

Rye, Stephen

From: Nancy MacLaine [nancy.maclaine@gmail.com] **Sent:** Mon 6/7/2010 8:11 AM
To: Dave Sullivan; danette.chlmenti@gmail.com; jay_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; bdeleon78@gmail.com; vsklrk@att.net; clint_small@hotmail.com; Kathle Tovo
Cc: Gibbs, Carol; Rye, Stephen; Steve Lacker; Vic Ramlrez; Ron Thrower
Subject: Re: Case Number C14-2009-0159; Property at 2807 Del Curto
Attachments:

Commissioners,

The Zoning Committee of the South Lamar Neighborhood Association (SLNA) understands that the Planning Commission is considering rescinding the decision it made regarding the development project at 2807 Del Curto, owned by Ace Bartlett and Polly Family Living Trust (the Owner), on May 25, 2010.

As the Commission wishes to reconsider the project, SLNA wishes to take this opportunity to succinctly express its position. Mr. Thrower, the agent for the Owner, requests an allowance of 8 units per acre on the Property. While we appreciate the City Staff's recommendation for development limit of 6 units per acre with SF-6 zoning, SLNA offers a compromise of a 7-unit per acre limit, conditioned upon a 45% impervious cover limit. This position was part of the compromise position that the SLNA conveyed to Mr. Thrower before the May 25th Commission hearing.

Please let us know if the Commission wishes to discuss this matter and we will be happy to provide any neighborhood insight and recommendations. Once again, SLNA will not oppose SF6 zoning under the following conditions:

- a development limit of 7 units per acre;
- with an impervious cover limit of 45%.

We hope this provides the Commission with a clearer description of the SLNA's position and willingness to provide a compromise position between that recommended by the City's Staff and requested by Mr. Thrower.

Please feel free to let us know if you have any further questions or concerns.

Regards,

South Lamar Neighborhood Association Zoning Committee
 Nancy MacLaine
 Steve Lacker
 Vic Ramirez

Rye, Stephen

From: Rye, Stephen
Sent: Monday, June 07, 2010 11:46 AM
To: 'Nancy Maclaine'
Cc: Dave Sullivan; danette.chimenti@gmail.com; jay_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; bdeleon78@gmail.com; vskirk@att.net; clint_small@hotmail.com; Kathie Tovo; Gibbs, Carol; Steve Lacker; Vic Ramirez; Ron Thrower
Subject: RE: C14-2009-0159 at PC and Council

Nancy,

You are welcome to attend the June 8 meeting, however the merits of the case will not be discussed. The discussion will only focus on whether the case should be rescinded and reheard. The Commission can choose to ask questions from staff or the neighborhood at their discretion, but it will not be a public hearing tomorrow.

Stephen Rye
City of Austin
Planning and Development Review Department
Current Planning Division
(512) 974-7604
(512) 974-6054 fax

From: Nancy Maclaine [mailto:nancy.maclaine@gmail.com]
Sent: Monday, June 07, 2010 10:20 AM
To: Rye, Stephen
Cc: Dave Sullivan; danette.chimenti@gmail.com; jay_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; bdeleon78@gmail.com; vskirk@att.net; clint_small@hotmail.com; Kathie Tovo; Gibbs, Carol; Steve Lacker; Vic Ramirez; Ron Thrower
Subject: Re: C14-2009-0159 at PC and Council

Stephen,

Thank you for the clarification and the details on per unit calculations.

Based on your statement that on June 8th the Planning Commission will only be scheduling the hearing for June 22nd then we understand there is no need or value to SLNA being present at the meeting June 8. And we can count on there not being a hearing this week at Council, owing to a lack of recommendation by Planning Commission and a postponement requested by Staff. We will prepare for the hearing on the 22nd.

regards,

Nancy Maclaine, SLNA Zoning Committee
589-0184

On Mon, Jun 7, 2010 at 10:06 AM, Rye, Stephen <Stephen.Rye@ci.austin.tx.us> wrote:
Nancy,

The request for reconsideration was made by two Commissioners. They would like to have further discussion and action on the allowable density on the site. The June 8 meeting will only take action to put it on the next

6/8/2010

available PC agenda, June 22. It will be an open public hearing with discussion. It will not need renotification unless requested by the Commission.

The current approval on the site is SF-6 with no density cap, which is 12.44 units per acre, for a total of 34.67 units.

The other density calculations are as follows:

SF3 - 1 acre / 5,750 lot requirement = 7.57 units per acre * 2.787 acres = 21.11 units (single family)
 SF-3 - 1 acre / 7,000 lot requirement = 6.22 units per acre * 2.787 acres = 17.34 units * 2 = 34.67 units (duplex)
 SF6 with no limits = 1 acre / 3,500 lot requirement = 12.44 units per acre * 2.787 acres = 34.67 units (approved by PC 5/25)
 SF6 with 6 units per acre = 6 units * 2.787 acres = 16.72 units - (staff recommendation)
 SF6 with 7 units per acre = 7 units * 2.787 acres = 19.5 units - (neighborhood recommendation)
 SF6 with 8 units per acre = 8 units * 2.787 acres = 22.3 units
 SF-6 based on net buildable area = 2.2 acres / 7,000 lot requirement + 1,960 ROW per lot = 21.4 units - (applicant request based off of net usable area including internal right-of-way)

Let me know if you need any additional information.

Thanks,

Stephen

Stephen Rye
 City of Austin
 Planning and Development Review Department
 Current Planning Division
 (512) 974-7604
 (512) 974-6054 fax

From: Nancy MacLaine [mailto:nancy.maclaine@gmail.com]
Sent: Sunday, June 06, 2010 9:21 PM
To: Rye, Stephen
Cc: Gibbs, Carol; Ron Thrower
Subject: C14-2009-0159 at PC and Council

Stephen,

This item was scheduled to be at City Council at public hearing on June 10. This weekend I discovered on the City Council agenda a request for postponement of that hearing. Then on the Planning Commission agenda for June 8th I discovered a New Business item dealing with this case: "Discussion and possible action to rescind and reconsider action taken on May 25, 2010". This is the first I heard of this turn of events and I'm hoping you can fill me in on what this means.

1. How did this come about? I'm not the most experienced observer of the PC but I have seen my share of cases and I've never heard of the PC rescinding an action. I'm not saying they shouldn't put a little more consideration into the case. As you know it was considered at nearly midnight on May 25th and I know that the neighborhood speakers were not at their sharpest either. But I'm curious what triggered this reconsideration. Are all decisions subject to being rescinded? Was this requested by some particular party?

2. At the June 8th PC -- will they actually be discussing the case or merely deciding that they will discuss it on June 22? I have a night class on both June 8th and June 22nd and cannot be there until 9:30pm, so I am trying to figure out if the neighborhood needs to send some other representation. It doesn't say it will be a public hearing but

6/8/2010

possibly the PC members will simply have questions for the opposing sides? In which case it would behoove us to be present.

3. If a public hearing is in fact scheduled for June 22nd at Planning Commission will re-notification of the hearing occur?

Also I am hoping that you will address some questions raised by the commissioners and prepare Staff responses. Specifically I believe they asked the total density differences on the subject property for each zoning category:

- SF3,
- SF6 with no limits,
- SF6 with 6 units per acre,
- SF6 with 7 units per acre, and
- SF6 with 8 units per acre,

Would you provide that info to SLNA as well as the Commissioners, at the soonest opportunity?

Thank you for your assistance,

Nancy Maclaine
South Lamar Neighborhood Association Zoning Committee

Rye, Stephen

From: Nancy MacLaine [nancy.maclaine@gmail.com]
Sent: Sunday, April 25, 2010 9:11 PM
To: Rye, Stephen
Cc: Anguiano, Dora; sully.jumpnet@sbcglobal.net; danette.chimenti@gmail.com; jay_reddy@dell.com; amdealey@aol.com; dave.anderson.07@gmail.com; bdeleon78@gmail.com; vskirk@att.net; clint_small@hotmail.com; kbtovo@earthlink.net; Ron Thrower
Subject: Request for postponement C14-2009-0159 2807 Del Curto Rd.

Dear Stephen,

The South Lamar Neighborhood Association appreciates Mr. Thrower's efforts to meet with us and present his proposed project at 2807 Del Curto Rd. However, after much discussion SLNA wishes to request a postponement of the public hearing before the Planning Commission on C14-2009-0159 /2807 Del Curto Rd. for the following reasons:

- 1. Our baseline position on upzoning in the core of our neighborhood has always been SF-3 zoning and failing that SF-3 density. So far we have not seen any justification for the request to upzone from SF-3 to SF-6, other than to increase entitlements. The applicant has indicated he needs to upzone in order to be able to cluster the buildings so as to preserve the significant trees. However, he has declined to show us a full tree survey of the buildable portion of the site. (We have seen an 'unofficial' inventory only of the trees in the floodplain.) When he presented his project to our membership at our March meeting Mr. Thrower declined to get a tree survey during the zoning process. We don't see how one can base their case on the trees without properly documenting that assertion. For that reason we request that the hearing be postponed until 2 weeks after Mr. Thrower provides the neighborhood association a copy of a tree survey.*
- 2. A significant portion of the site is floodplain. We submit that the floodplain area should not count as square footage toward increasing impervious cover elsewhere on the site. This affects the number of units one could justify on this site. In order to follow this line of argument we would like to know the square footage of the current floodplain on the site, another question Mr. Thrower was asked at the March meeting and has not provided. We submit we must postpone until the applicant can provide us with that number.*
- 3. Should none of the previous justifications prove sufficient, then we simply ask for a month's postponement as a courtesy, as is often granted to the neighborhood associations when dealing with a complicated request.*

Again, we respectfully request a postponement until two weeks after SLNA receives a complete tree survey. Of course we are ready and willing to continue working with the applicant in the meantime.

4/27/2010

Throuwer Design

4608-A South Lamar Boulevard
Austin, Texas 78745
(512) 476-4456 • Fax (512) 476-4454

April 26, 2010

Ms. Nancy MacLaine, Chair
SLNA Zoning Committee
2302 Del Curto
Austin, Texas 78704

RE: C14-2009-0159 – 2807 Del Curto Road

Dear Ms. MacLaine,

Thanks for copying me on the email requesting a postponement for the above referenced case. To clarify a few items I offer the following in response –

- 1) A tree survey at this stage of determining appropriate land use is excessive. We can all visit at the site, if necessary, so that the SLNA can view the trees on the property. My points of the trees are that they are an amenity to the site and the neighborhood and should be worked around. Some of the trees will need to be removed for any development. Likely more trees will be removed under development as "SF-3" use versus the proposed condominium use. I am basing this off of years of experience. The tree matters were discussed at the SLNA meeting and I did mention my reluctance to provide a tree survey in conjunction with zoning. I also heard Ms. Carol Gibbs specifically mention to the group that since this site is, after zoning, deemed commercial by the City of Austin that a tree survey would be required at the time of site plan. As such, that issue was deferred to a later date.

However, as an effort to keep communication lines open, I want to invite everyone to an on-site visit of the property so that the trees can be viewed in person. I'll bring a tape measure and we can physically measure the various trees around the property. I

L A N D P L A N N E R S

will suggest a meeting Friday, April 30, at 4:00 to meet at the site with anyone that wishes to walk the site and view the trees.

- 2) The total site area is 121,143 s.f., or 2.78 acres. The flood plain area of the site totals to 30,308 s.f., leaving 90,835 s.f. out of the flood plain. There are 2 smaller areas on the property that are north of the flood plain but unreachable because of the flood plain. These 2 areas are at the NE and NW corners and total to 4,521 s.f.. The new buildable area prior to any flood plain modifications is 86,314 s.f. ($121,143 - 30,308 - 4,521 = 86,314$). A typical duplex lot is 7,000 s.f. in size per city code. Add $\frac{1}{2}$ of the right-of-way to this 70'x100' lot and the average lot size is 8,960 s.f.. The 86,314 s.f. net buildable area prior to flood plain modifications equates to 9.63 lots equaling 19 units of duplex development on this 2.78 acre property. This comes to 6.92 units per acre. To my knowledge the Code does not limit that flood plains can not be contained in the lot area. As such, the density could be greater.

The flood plain modifications that I was speaking to would recapture about 10,000 s.f. of land that is just a few inches deep. This area constitutes a minimal volume of water in comparison to the volume of the entire flood plain on the subject property. Adding in this area creates a net buildable area of +/-96,000 s.f.. The +/-96,000 s.f. is the 2.2 acres of net buildable area I discussed and referred to at the neighborhood meeting. This equates to 21.4 units allowed and a density of 7.7 units per acre. Our request remains at 8 units per acre.

It is also very important to note that flood plain modifications can not have any impact on properties upstream or downstream. These flood plain modifications are detailed studies that are modeled and analyzed with specific criteria. These studies are reviewed by the City of Austin as the administrators of the flood plain and then also by the federal government before any map changes occur. There is very little arbitrariness to the model.

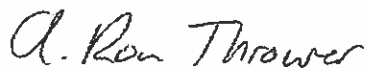
I believe the request of 8 units per acre is in line with other developments of the area that are as high as 11.4 units per acre that are proximate to this site. Additionally, the density of 8 units per acre transitions from the 11.4 units per acre to the 6 units per acre on the site directly to the south.

My take-away from the second meeting was that SLNA was to get back with me outlining any concerns and that SLNA was not waiting on me for anything. The postponement request is the first information I have heard from SLNA since the meeting and can only ascertain that the list of concerns is contained in that email. The answers to those issues are contained herein.

I can not agree to a 1 month postponement for the case to be heard at Planning Commission. I will only agree to a 2 week postponement so that we all can meet at the site to view the trees.

Should you have any questions or need additional information, please contact me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0159

Contact: Stephen Rye, 512-974-7604

Public Hearing: April 27, 2010, Planning Commission
May 27, 2010, City Council

BELGITE EDERY

Your Name (please print)

☐ I am in favor
☒ I object

2708 DEL CURTO RD. AUSTIN 78704

Your address(es) affected by this application

Erin Rye

Signature

4/21/10

Date

Daytime Telephone: (512) 773-7171

Comments: This neighborhood is continually becoming more dense. I would like to see nothing more than duplexes at this location. Please keep this property an SF. 3 zoning.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2009-0159

Contact: Stephen Rye, 512-974-7604

Public Hearing: April 27, 2010, Planning Commission
May 27, 2010, City Council

TIMOTHY M. SKEEGAN

Your Name (please print)

2139 VINNY OAKS CT, AUSTIN, TX 78704

Your address(es) affected by this application

Signature

4/27/2010

Date

Daytime Telephone: 512 286 8590

Comments: I WOULD PREFER THE

ZONING FOR THIS SITE REMAIN SF-3.

THIS AREA NEEDS SF-3 DEVELOPMENT

TO ATTRACT A RESIDENTIAL MIX OF

ESTATE ELEGANCE IN TEXAS SINCE

1998.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Stephen Rye

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object